IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1233 of 2005

Between:

M/s. praga Employees Workers Union,

rep by General Secretary, R. Mahender
S/o Rangbahadur, R/o 1-3-3/1,

Kawadiguda, Hyderabad

..... PETITIONER

AND

1 M/s. Praga Tools, Limited, Kawadiguada,

Secunderabad.
2 Bharat Electronics Limited, Nacharam,

Secunderabad, rep., by General Manager.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders or direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not paying arrears nearly 2 crores 26 lakhs 22 thousand payable to the 464 employees towards 1992 wage Revision DA arrears for the period from 1-1-92 to 31-8-95 as illegal arbitrary and consequentially direct the respondent to pay wages Revision DA arrears.

Counsel for the Petitioner: Mr. M.L.ALI

Counsel for the Respondents: Mr. K.NAGESWARA SREE

The Court at the admission stage made the following :

ORDER:

This Writ Petition is filed seeking to declare the action of the respondents in not paying arrears, nearly rupees two crores twentysix lakhs twentytwo thousand payable to 464 employees towards 1992 Wage Revision DA arrears for the period from
01-01-1992 to 31-08-1995, as illegal, arbitrary and consequentially to direct the respondents to pay wage Revision DA arrears.

2. Learned counsel for the petitioner contended that since the Industrial Tribunal expressed its opinion for not granting interim direction, the present Writ Petition is filed.

3. Learned counsel for the respondents opposed the Writ Petition on the ground that the petitioner cannot be permitted to prosecute two parallel proceedings in respect of the same cause of action, and therefore, the Writ Petition is devoid of merits.

4. Admittedly, the petitioner's Union referred the matter to the State Conciliation machinery and since the conciliation proceedings were failed, the Conciliation Officer referred the matter to the Government. Pursuant to the said reference, the Government by its G.O.Rt.No.1295 dated 07-08-2004, referred the same for adjudication by the Industrial Tribunal. Accordingly, I.D.No.20 of 2004 was registered and taken up before the Industrial Tribunal-1, Hyderabad. The petitioner cannot be permitted to prosecute two parallel proceedings in respect of the same cause of action. Therefore, the writ petition is devoid of merits. However, the interest of the workers has to be safeguarded since the respondents are going to sell the

land.

5. This Writ Petition is disposed of directing the Industrial Tribunal-I, Hyderabad, to dispose of the I.D.No.20 of 2004 as per law within a period of six months from the date of receipt of a copy of this order.

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(K.C.BHANU,J)

2nd February, 2005.

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To

1. M/s. Praga Tools, Limited,

Kawadiguada,

Secunderabad.

2. The General Manager,

Bharat Electronics Limited, Nacharam,

Secunderabad.

3. Two CD copies.